

REMARKS

By this amendment, Applicants amend claim 98, cancel claim 99, and introduce new claim 105. These amendments are supported by the as-filed specification, e.g. at page 37, second paragraph, fig. 9, and page 13, third paragraph. No new matter has been added.

Applicants respectfully traverse the 35 U.S.C. §102(b) rejection of claims 98-104 over Keefe (US 5,573,727). A §102(b) rejection requires that each and every claim element be disclosed in a single reference. The Office Action asserts that Keefe discloses every element of previously presented independent claim 98.

Keefe, however, fails to disclose each and every element of the currently amended independent claim 98, including, for instance, establishing a network connection between a computer and the stainer, sending commands from the computer to the stainer over the network connection, and creating a robot task list of the one or more robot tasks for the stainer, wherein robot tasks include dispensing reagents to the slide with a moveable robotic dispenser.

Keefe discloses an automatic staining apparatus, but is silent regarding "establishing a network connection between a computer and [a] stainer," and "sending commands from the computer to the stainer over the network connection," as recited by amended independent claim 98.

The Office Action, at page 2, asserts that Keefe discloses a "stainer . . . configured to process the first at least one slide using a plurality of desired slide process operations comprising one or more robot tasks (applying a reagent)." Keefe, however, merely discloses, e.g. at col. 5, lines 41-42, an automated staining apparatus in which

racks of slides are "moved from station to station, that is, from bath to bath." In contrast, amended claim 98 recites "dispensing reagents to [a] slide with a moveable robotic dispenser." Keefe does not disclose this feature of amended claim 98.

Because Keefe does not disclose each and every feature of amended independent claim 98, the §102(b) rejection of amended claim 98 is not supported. Claims 99-105 depend from claim 98, and should thus be allowable for at least the same reasons.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing this application in condition for allowance, or in better form for appeal. In view of the foregoing remarks, Applicants submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

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